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TRADE AND DEVELOPMENT BOARD
Intergovernmental Group of Experts on
Restrictive Business Practices
Fourteenth session
Geneva, 6 March 1995
Item 2 of the provisional agenda

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

Provisional agenda and annotations

I. PROVISIONAL AGENDA

1. Election of officers

2. Adoption of the agenda and organization of work

3. Preparations for the Third United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices:

   (a) Review of 15 years of application and implementation of the Set;

   (b) Formulation of proposals for the improvement and further development of the Set of Principles and Rules;

   (c) Provisional agenda for the Conference;

   (d) Provisional rules of procedures for the Conference.

4. Other business

5. Adoption of the report of the Intergovernmental Group of Experts.

GE.94-54845 (E)

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Election of officers

In accordance with rules 18 and 19 of the rules of procedure of the main Committees of the Board,1/ the Bureau of the Intergovernmental Group of Experts on Restrictive Business Practices shall consist of seven members, including four members from lists A and C combined, two from list B and one from list D, referred to in the annex to General Assembly resolution 1995 (XIX) as amended. In keeping with the cycle of rotation for the election of Chairman and Rapporteur, the Chairman at the fourteenth session of the Intergovernmental Group of Experts (the seventh of a seven-session cycle) shall be a representative of one of the States members of list A (Africa) and the Rapporteur a representative of one of the States members of list B. Three Vice-Chairmen shall be elected from lists A and C combined, one from list B and one from list D.

Item 2. Adoption of the agenda and organization of work

The provisional agenda for the fourteenth session was approved at the closing plenary meeting of the thirteenth session of the Intergovernmental Group of Experts, on 28 October 1994.2/

Concerning the organization of the work of the session, the Group has five working days available. It is therefore suggested that the 1st plenary meeting, on 6 March, be devoted to procedural matters (items 1 and 2) and to introductory statements. The closing plenary meeting, on 10 March, would be devoted to any action taken by the Group on the substantive agenda items 3 (a) and 3 (b), to item 3 (c) (Provisional agenda for the Conference), to item 4 (Other business) and to item 5 (Adoption of the report of the Intergovernmental Group of Experts).

The afternoon of Thursday, 9 March would need to be kept free for the preparation of the draft report. The remaining meetings (i.e. from the afternoon of 6 March to the morning of 9 March) would be devoted to the substantive items on the agenda (items 3 (a) and 3 (b)).

Item 3. Preparations for the Third United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

(a) Review of 15 years of application and implementation of the set

(b) Formulation of proposals for the improvement and further development of the Set of Principles and Rules

In view of the very close relationship between these two sub-items, it is proposed that they be considered together. In this connection, it is recalled that the Intergovernmental Group of Experts on Restrictive Business Practices, at its thirteenth session, agreed to the following conclusions, *inter alia*:

"1. The fourteenth session of the Intergovernmental Group of Experts will be devoted to the preparations for the Third United Nations Conference to Review All Aspects of the Set (the Third Review Conference) in November 1995;

"2. In preparation for the Third Review Conference, the UNCTAD secretariat is requested:

"(a) To further revise the study on 'The role of competition policy in economic reforms in developing and other countries' (TD/B/RBP/96/Rev.1), taking into account the comments made during the thirteenth session and comments to be received from member States before 31 January 1995. The revised study should be made available in time for the Third Review Conference;

"(b) To compile the drafting suggestions to be received from member States before 30 November 1994 on the Model Law in a conference-room paper to be submitted to the fourteenth session of the Intergovernmental Group of Experts, with a view to further revising the commentary to the Model Law;

"(c) To prepare an annotated outline of a study on the scope, coverage and enforcement of competition laws and policies in member States and an analysis of the provisions of the Uruguay Round Agreements relevant to competition policy, including their implications for developing and other countries;

"(d) In order to assess the impact of the finalization of the Uruguay Round, in particular the impact on competition policy, to undertake a review of selected cases of RBPs that have an effect in more than one country, in particular developing countries and countries in transition;

"(e) To examine the feasibility of developing a bibliography of relevant materials dealing with RBP issues and the implementation of an appropriate database facility relating to decisions by competition authorities and courts, and to present their preliminary findings relative to each proposal in the course of the fourteenth session of the Intergovernmental Group of Experts."

In response to this resolution, a note by the secretariat on preparations for the Third Review Conference (TD/B/RBP/105) will contain, in chapter I, an annotated outline of a study on "The scope, coverage and enforcement of competition laws and policies in member States and an analysis of the provisions of the Uruguay Round Agreements relevant to competition policy, including their implications for developing and other countries", as requested under 2 (c) above. In its chapter II, the note will contain a preliminary list of cases of RBPs that have an effect in more than one country, in particular developing countries and countries in transition, in order to facilitate the work of the Intergovernmental Group of Experts in its review of selected cases, as requested under 2 (d) above. Finally, chapter III of the note will contain the secretariat's preliminary findings relative to the feasibility of developing a bibliography of relevant materials

dealing with RBP issues, and the implementation of an appropriate database facility relating to decisions by competition authorities and courts, as requested in 2 (e) of the agreed conclusions of the thirteenth session. A compilation of the drafting suggestions to be received from member States on the Model Law will be submitted in a conference room paper to the fourteenth session of the Group. The secretariat will prepare the revised study on "The role of competition policy in economic reforms in developing and other countries" in time for the Third Review Conference.

(c) Provisional agenda for the Conference

The UNCTAD secretariat will submit for the consideration of the Intergovernmental Group a draft provisional agenda for the Third Review Conference.

(d) Provisional rules of procedure for the Conference

As for the Second Review Conference, in 1990, it is proposed to keep unchanged the rules of procedure used at the First Review Conference, as contained in TD/B/RBP/70, which will be available during the fourteenth session of the Group.

Item 4. Other business

Item 5. Adoption of the report of the Intergovernmental Group of Experts

Trade and Development Board resolution 228 (XXII) provides that the Group shall submit reports on its work at least once a year to the Board.

Notes

1/ The rules of procedure of the main Committees are contained in TD/B/740.

2/ Agreed conclusions of the Intergovernmental Group of Experts on its thirteenth session, contained in TD/B/RBP/L.65 and annex II of the report of that session, to be issued shortly under TD/B/RBP/103.